

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in this application.

1. (original) A crystalline form of gatifloxacin characterized by an x-ray reflection at about $17.2^{\circ} \pm 0.2^{\circ} 2\theta$.
2. (original) The crystalline form of gatifloxacin of claim 1 having an x-ray diffraction diagram substantially as shown in Figure 1.
3. (original) A method of making the crystalline gatifloxacin of claim 1 comprising the steps of:
 - a) providing, at a temperature of at least about 70°C , a solution of gatifloxacin in a solvent consisting essentially of a mixture of methanol and water, wherein the volume percent water is about 5 vol-% to about 15 vol-%,
 - b) cooling the solution to obtain a suspension,
 - c) isolating the solid from the suspension, and
 - d) drying the recovered solid at a temperature of about 40°C to about 70°C to obtain the crystalline form of gatifloxacin.
4. (original) The method of claim 3 wherein the solution is cooled to ambient temperature and thereafter to a temperature of about 0°C to about 10°C .
5. (original) The method of claim 3 wherein the volume percent water in the solvent is about 10 vol-%.
6. (original) The method of claim 3 wherein the recovered solid is dried at a temperature of about 55°C .
7. (original) A crystalline form of gatifloxacin characterized by x-ray reflections at about 8.8° , 14.1° , 17.6° , 18.2° , 22.0° , and $22.6^{\circ} \pm 0.2^{\circ} 2\theta$.
8. (original) The crystalline form of gatifloxacin of claim 7 having an x-ray diffraction diagram substantially as shown in Figure 2.

9. (currently amended) A method of making the crystalline form of gatifloxacin of claim ~~10~~ 8, comprising the steps of:

- a) slurrying gatifloxacin in ethanol, wherein the gatifloxacin slurried is selected from form T1RP, T1, and mixtures of these,
- b) isolating the solid from the slurry, and
- c) drying the isolated solid at ambient temperature and pressure to obtain the crystalline form of gatifloxacin.

10. (original) A crystalline form of gatifloxacin characterized by x-ray reflections at about 11.1° , 11.7° , 12.5° and $23.0^\circ \pm 0.2^\circ \theta$.

11. (original) The crystalline form of gatifloxacin of claim 10 having an x-ray diffraction diagram substantially as shown in Figure 3.

12. (original) A method of making the crystalline form of gatifloxacin of claim 10 comprising the steps of:

- a) providing, at a temperature of at least about 75°C , a solution of gatifloxacin in a solvent consisting essentially of a mixture of ethanol and water, wherein the volume percent ethanol in the mixture is at least about 95 vol-%,
- b) cooling the solution whereby a suspension is obtained, and
- c) isolating the crystalline form of gatifloxacin from the suspension.

13. (original) The method of claim 12 wherein the solution is cooled to ambient temperature and thereafter to a temperature of about 0°C to about 10°C .

14. (original) The method of claim 12 wherein the volume percent water in the solvent is about 1 vol-%.

15. (original) A crystalline form of gatifloxacin characterized by x-ray reflections at about 6.8° , 7.1° , 11.1° , 15.5° , and $17.4^\circ \pm 0.2^\circ 2\theta$.

16. (original) The crystalline form of gatifloxacin of claim 15 having an x-ray diffraction diagram essentially as shown in Figure 4.

17. (original) A method of making the crystalline form of gatifloxacin of claim 15 comprising the steps of:

- a) providing, at reflux, a solution of gatifloxacin in a solvent consisting essentially of a mixture of acetonitrile and water, wherein the volume percent water in the mixture is about 2 vol-%,
- b) cooling the solution whereby a suspension is obtained,
- c) isolating the solid from the suspension, and
- d) drying the isolated solid at about 50° C and a pressure of about 10 to about 400 mm Hg to obtain the crystalline form of gatifloxacin.

18. (currently amended) The method of claim ~~21~~ 17, wherein the solution is cooled to ambient temperature and thereafter to a temperature of about 0° C to about 10°C.

19. (original) A crystalline form of gatifloxacin characterized by x-ray reflections at about 9.3°, 11.0°, and $21.2^\circ \pm 0.2^\circ 2\theta$.

20. (original) The crystalline form of gatifloxacin of claim 19 further characterized by x-ray reflections at about 12.0°, 14.5°, and 18.6°, $\pm 0.2^\circ 2\theta$.

21. (original) The crystalline form of gatifloxacin of claim 20 having an x-ray diffraction diagram substantially as shown in Figure 5.

22. (original) A method of making the crystalline gatifloxacin of claim 19 comprising the steps of:

- a) crystallizing gatifloxacin from acetonitrile,
- b) isolating the gatifloxacin crystallized from acetonitrile,
- c) slurrying the gatifloxacin so isolated in a lower alkanol having 1 to 4 carbon atoms for a slurry time of at least about 2 hours, and
- d) isolating the crystalline form of gatifloxacin from the slurry.

23. (original) The method of claim 22 wherein the lower alkanol is ethanol.

24. (original) A crystalline form of gatifloxacin characterized by x-ray reflections at about 7.4°, 8.9°, 9.6°, 11.4°, 12.2°, 12.9°, 14.1°, 16.7°, 21.2°, 21.8°, 24.1°, and $26.0^\circ \pm 0.2^\circ 2\theta$.

25. (original) The crystalline form of gatifloxacin of claim 24 having an x-ray diffraction diagram essentially as shown in Figure 6.

26. (original) A method of making the crystalline form of gatifloxacin of claim 24 comprising the steps of:

- a) crystallizing gatifloxacin from acetonitrile,
- b) isolating the gatifloxacin crystallized from acetonitrile,
- c) slurrying the gatifloxacin so isolated in ethanol for a slurry time of about 2 hours or less, and
- d) isolating gatifloxacin form T1.

27. (original) A method of making gatifloxacin sesquihydrate comprising the step of maintaining gatifloxacin form P at ambient temperature for a time sufficient to effect conversion to the sesquihydrate.

28. (original) The method of claim 27 wherein the maintaining is for a time of about one month.

29. (original) A method of making gatifloxacin form omega comprising the step of drying gatifloxacin form K at about 50° and a pressure of about 10 mm Hg.

30. (original) The method of claim 29 wherein the drying is for a time of about 24 hours.

31. (original) A method of making gatifloxacin crystalline form J comprising the step of drying gatifloxacin form K at about 50° C and atmospheric pressure.

32. (original) The method of claim 31 wherein the drying is for a time of about 12 to about 18 hours.

33. (original) A method of making gatifloxacin form omega comprising the step of maintaining form L at ambient temperature for a time sufficient to effect conversion to form omega.

34. (original) The method of claim 33 wherein the maintaining is for a time of about 2 months.

35. (original) A method of making gatifloxacin hemihydrate comprising the step of maintaining gatifloxacin form M at room temperature for a time sufficient to effect conversion to the hemihydrate.

36. (original) A method of making gatifloxacin form T1 comprising the step of heating gatifloxacin form P at 50°C.

37. (original) A pharmaceutical composition comprising at least one pharmaceutically acceptable excipient and at least one of gatifloxacin forms L, M, P, Q, S, and T1.